

File a Motion:21-42824-mxm11 Cochrane Anesthesia, PLLC

Type: bk

Chapter: 11 v

Office: 4 (Ft. Worth)

Assets: y

Judge: mxm

Case Flag: REFORM,
Subchapter_V, SmBus,
EXHIBITS

Filed: 12/03/2021	Closed:
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U.S. Bankruptcy Court**Northern District of Texas**

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Case Name: Cochrane Anesthesia, PLLC**Case Number:** 21-42824-mxm11**Document Number:** 92**Docket Text:**

Motion to compel Release of Account Funds. Filed by Debtor Cochrane Anesthesia, PLLC (Attachments: # (1) Proposed Order) (Lindauer, Joyce)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**Motion.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=1017686615 [Date=4/5/2022] [FileNumber=47655061-0]
] [822e69bc462ccf403822c9b9079b14074e09d9935c2911ad8e7cd3a62c97b2fb5a2
08617f9ce8b82aac4a9403a7132bd8789226b643410bdfef0e4d71b37710b]]

Document description:Proposed Order**Original filename:**C:\fakepath\Order.pdf**Electronic document Stamp:**

[STAMP bkecfStamp_ID=1017686615 [Date=4/5/2022] [FileNumber=47655061-1]
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b6a7806770a78acaf853abd83854097a36144d9d7c44ac8215ca60e3ea4cf]]

21-42824-mxm11 Notice will be electronically mailed to:

Jason B. Binford on behalf of Interested Party Texas Health and Human Services Commission
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Alonzo Zachary Casas on behalf of Creditor JPMorgan Chase Bank, N.A.
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EXHIBIT "2"

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Melissa Offill

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ATTORNEYS FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

**COCHRANE ANESTHESIA, PLLC,

Debtor.**

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**CASE NO. 21-42824-mxm
Chapter 11**

**EMERGENCY MOTION TO COMPEL RELEASE OF
ACCOUNT FUNDS**

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW, Cochrane Anesthesia, PLLC (the “Debtor”), the Debtor in the above styled and numbered bankruptcy proceeding and files this its Emergency Motion to Compel Release of Account Funds (the “Motion”) and in support of same would respectfully show the Court the following:

I. JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (E).
2. Venue is proper pursuant to 28 USC § 1408 and 1409.

II. FACTUAL AND PROCEDURAL BACKGROUND

3. On December 3, 2021 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code 11 U.S.C. § 101 *et seq.* (the “Bankruptcy Code”). The Debtor is now operating its business as debtor-in-possession pursuant

to §§ 1107(a) and 1108 of the Bankruptcy Code. No request has been made for the appointment of a trustee or examiner and no official committee has been appointed.

4. On or about March 21, 2022, without notice or explanation, Stripe placed a hold on Debtor's accounts and is currently holding funds belonging to the Debtor in the approximate amount of \$23,499.11.

5. Stripe has since stated it is reviewing the Debtor's account but has provided no further detail. Debtor has cooperated with Stripe by providing any requested information yet Stripe continues to hold such funds. The Debtor owes no monies to Stripe. It appears that holding funds belonging to their account holders is a practice of Stripe and has been criticized on the Internet as a bad business practice. In this case it is actually causing harm to the Debtor as it needs the funds to pay its bills.

6. The Debtor is in need of the withheld funds to continue the Debtor's ongoing operations.

7. Debtor now files this Emergency Motion seeking release of its property from Stripe.

8. Before filing this Emergency Motion, Debtor has attempted to resolve this issue by providing the requested information requested by Stripe. The only response Debtor has received is that Stripe is reviewing the information provided and will work to make sure the review is completed in a timely manner.

III. LEGAL AUTHORITY

9. 11 U.S.C. § 542(a) provides that "an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title . . . shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate."

10. Under 11 U.S.C. §363(b)(1), a “trustee, after notice and hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate”

11. Under 11 U.S.C. § 541(a)(1), property of the estate is comprised of “all legal or equitable interests of the debtor in property as of the commencement of the case.”

12. Accordingly, pursuant to 11 U.S.C. § 542(b), Stripe must turn over custody and control of Debtor’s property which is listed herein.

WHEREFORE, PREMISES CONSIDERED Debtor requests the Court order that Stripe immediately release funds being held to the Debtor, and for such other and further relief, both at law and in equity, to which Debtor shows itself to be justly entitled.

DATED: April 5, 2022.

Respectfully submitted,

/s/ Joyce W. Lindauer

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ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 5, 2022, a true and correct copy of the foregoing Motion was served in the manner indicated upon the parties listed below.

**VIA EMAIL AND
FIRST CLASS MAIL**

Stripe
Attn: Grace
354 Oyster Point Blvd. South
San Francisco, CA 94080
Email: support@stripe.com

VIA ECF

Jason B. Binford on behalf of Interested Party Texas Health and Human Services Commission
JASON.BINFORD@OAG.TEXAS.GOV

Alonzo Zachary Casas on behalf of Creditor JPMorgan Chase Bank, N.A.
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Joyce W. Lindauer on behalf of Debtor Cochrane Anesthesia, PLLC
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/s/ Joyce W. Lindauer
Joyce W. Lindauer

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

IN RE:

COCHRANE ANESTHESIA, PLLC,

Debtor.

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**CASE NO. 21-42824-mxm
Chapter 11**

**ORDER GRANTING EMERGENCY
MOTION TO COMPEL RELEASE OF ACCOUNT FUNDS**

ON THIS DAY, came on for consideration the Emergency Motion to Compel Release of Account Funds filed by Cochrane Anesthesia, PLLC (“Debtor”) requesting the Court to compel Stripe to turnover certain funds of the Debtor as more particularly set forth in the Motion on file in this matter. Having considered the pleadings and heard the arguments of counsel, the Court, pursuant to the authority granted by Sections 362 and 542 of the Bankruptcy Code, hereby GRANTS the Emergency Motion to Compel Release of Account Funds. It is, therefore

ORDERED, ADJUDGED AND DECREED that Stripe shall immediately turnover and make available the funds of the Debtor as described in the Motion.

END OF ORDER # #

Submitted by:

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Attorneys for Debtor